IN THE HIGH COURT OF JUDICATURE AT BOMBAY
A.S.
Writ Petition No.7984 of 2005

Shri Kunal V Gorde & ors ....Petitioners
vs
The Commissioner of Ecuminical
Mission and Relations of United
Pressbetrain Church, USA and ors..respdts

Mr S.P.Masal for petitioners

Respondents served

CORAM: S.U.KAMDAR J.

Dated 30.ll.2005

P.C:

l By the present petition , petitioners are challenging the order passed by the Addl Commissioner Pune Division Pune dated 20.7.2005 under section 257 of the Maharashtra Land Revenue Code. The petitioners are claiming that their names should be entered in the revenue records and the rights of the petitioners be recognised as owners by virtue of the fact that their father was tenant prior to tillers day i.e.l.4.l957. It has been contended that the names of the petitioners being legal heirs of one P P Gorde should be entered in respect of the suit property. The petitioners placed reliance in support of their aforesaid contention on entry dated 25.4.l957 which is at page l5 of the petition. The said entry is indicative that said P P Gorde through whom the

petitioners are claiming right was manager of the respondent trust and was in possession for and on behalf of the respondent trust as manager. In my opinion possession of P.P Gorde was not in the nature of tenant which would entitle him to the benefit of declaration of tenancy as sought for. In the present case apart from the said entry there is no other document produced. However, the petitioners are claiming that they are in possession of the suit property. In the impugned order the Addl Commissioner has considered the aforesaid contention and has come to the conclusion that possession of the manager cannot be treated as possession of a tenant. He has considered the case of the petitioners on demurer and has come to the conclusion that admittedly entry dated 25.4.l957 is after the declaration of tillers day i.e. l.4.l957 and the petitioners have admittedly not filed any application under section 32-0 to become purchaser. In that light of the matter also petitioners claim cannot be accepted. In that view of the matter no interference is called for with the impugned order.

. Petition is dismissed with no order as to costs.